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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

PROVISIONAL SUMMARY RECORD OF THE FIRST PART (PUBLIC)*
OF THE 66th MEETING

Held at the Palais des Nations, Geneva,
on Wednesday, 10 March 1993, at 3 p.m.

Chairman: Mr. ENNACEUR (Tunisia)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

(a) Question of human rights in Cyprus (continued)

* The summary record of the second part (closed) of the meeting appears as document E/CN.4/1993/SR.66/Add.1.

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GE.93-12244 (E)

The meeting was called to order at 3.35 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(a) QUESTION OF HUMAN RIGHTS IN CYPRUS;

(agenda item 12) (continued) (E/CN.4/1993/L.97, 98, 101, 103 and 104).

1. The CHAIRMAN said he would read out to the Commission the texts of the agreed statements on the situation in Tadjikistan and that in Latvia and Estonia.

Statement of the Chairman on the situation in Takjikistan

"The United Nations Commission on Human Rights is deeply concerned by reports of serious human rights violations associated with the armed civil conflict in Tadjikistan. These reported violations include the killing of non-combatants, the taking of hostages, summary executions and arbitrary detentions. Large numbers of people have fled from their homes, causing greater suffering. The situation of the large number of Tadjik refugees on the border of Afghanistan is also a cause of great concern which requires international humanitarian assistance.

The Commission welcomes and commends the efforts of both the United Nations and the International Committee of the Red Cross representatives in the field to help those in need.

Recognizing the connection between the ongoing hostilities and the continuing violations of human rights, the Commission calls upon all parties to the conflict to respect the human rights and fundamental freedoms of the Tadjik people of whatever political or ethnic affiliation and to negotiate, on an urgent basis, a permanent end to the hostilities to ensure a lasting peace thereby permitting internationally-recognized humanitarian norms to be implemented and to allow the internally displaced population to return to their homes in safety and free from the fear of persecution."

Statement of the Chairman on the situation in Latvia and Estonia

"The Commission on Human Rights, taking note of the wishes of Latvia and Estonia to strengthen their political institutions and national cultures; having in mind the interests of members of other nationalities permanently residing in these countries, who wish to be equal members of their societies; realizing the present difficulties relating to populations transferred into Estonia, Latvia and Russia and existing legislation in this field; taking also note of the views expressed during the forty-ninth session of the Commission on Human Rights on the existing problems; taking into consideration visits of various international fact-finding missions to Estonia and Latvia and the cooperation extended by the Governments to these missions; also taking note of the findings and recommendations of the missions; appeals to all

interested parties and others concerned to abstain from any official declarations and actions which might adversely affect confidence-building among the people living in these countries; invites all parties to continue their efforts to search for acceptable solutions by peaceful means, and in conformity with principles of justice and international law."

Draft resolution on extrajudicial, summary or arbitrary executions (E/CN.4/1993/L.97)

2. Mrs. PENNEGARD (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that the Special Rapporteur on summary or arbitrary executions had noted in his report (E/CN.4/1993/46) that, far from declining, the number of such executions seemed to be increasing in spite of the repeated condemnations issued by the United Nations, thereby underlining the need for renewed efforts and commitment together with decisive action both by Governments and by the international community. The draft resolution reiterated the Commission's strong condemnation of the large number of extrajudicial, summary and arbitrary executions taking place throughout the world. It welcomed the appointment of Mr. Ndiaye as the new Special Rapporteur and noted with appreciation his report.

3. The draft resolution requested the Special Rapporteur, in carrying out his mandate, to continue to pay special attention to extrajudicial, summary and arbitrary executions of children and to allegations concerning violations of the right to life in the context of violence against participants in peaceful public manifestations and to continue monitoring the implementation of existing safeguards and restrictions relating to capital punishment.

4. The Secretary-General was requested to provide all necessary assistance to the Special Rapporteur to allow him effectively to carry out his mandate, in particular by strengthening the human and material resources placed at his disposal within the overall framework of the regular budget of the United Nations. The draft resolution further urged Governments to cooperate with and assist the Special Rapporteur by providing information on communications despatched to them by the Special Rapporteur on alleged extrajudicial, summary or arbitrary executions, by extending invitations to him to visit their countries, and by ensuring follow-up of the Special Rapporteur's recommendations.

5. In order effectively to combat and eventually eliminate extrajudicial, summary or arbitrary executions, Governments were also reminded of their obligation to see to it that all alleged violations of the right to life were properly investigated with a view to bringing to justice those responsible. By adopting the resolution, the Commission would decide to consider the issue at its next session under the same agenda item.

6. Draft resolution (E/CN.4/1993/L.97) was adopted.

Draft resolution on the situation of human rights in Romania
(E/CN.4/1992/L.98)

7. Mr. PACE (Secretary of the Commission) said that the Russian Federation wished to become a sponsor of the draft resolution.

8. Mr. SALANDER (Observer for Sweden), introducing the draft resolution on behalf of its sponsors, said that, in the resolution, the Commission expressed its appreciation of the steps taken by the Government of Romania over the past three years to promote respect for human rights in the country and towards establishing a democratic and pluralist system of government based on respect for human rights and the rule of law.

9. While noting that respect for human rights in general was improving in Romania, the Commission observed that shortcomings had still to be overcome with regard to the implementation of constitutional and legislative rules by local authorities, inter alia, relating to the protection of persons belonging to national minorities.

10. Against that background, the Commission urged the Government of Romania and the Romanian authorities to continue their efforts to ensure respect for all aspects of human rights in Romania. The Commission also encouraged them to continue the fruitful cooperation they had embarked upon with the Centre for Human Rights in the field of advisory services. By adopting the draft resolution, the Commission decided to continue its consideration of assistance to the Government of Romania in the field of human rights the following year under the agenda item entitled "Advisory services in the field of human rights".

11. Draft resolution E/CN.4/1993/L.98 was adopted.

Draft Resolution on the situation of human rights in Myanmar
(E/CN.4/1993/L.101).

12. Mr. HESSEL (France), introducing the draft resolution on behalf of the members of the European Community and the other sponsors, said that all those present had been struck by the statement made by President Arias at the beginning of the session on behalf of the Nobel Peace Prizewinners which had forcefully expressed the sadness shared by all with regard to the human rights situation in Myanmar. The Commission was particularly concerned by the fate of Daw Aung San Suu Kyi and of various oppressed groups forced to flee to neighbouring countries. However, the resolution was presented in the hope that democracy would finally be restored in Myanmar on the basis of the 1990 elections.

13. The new paragraphs in the resolution were intended to take into account the excellent recommendations made by the Special Rapporteur in his report (E/CN.4/1993/37) which, it was to be hoped, would prove acceptable to the Government of Myanmar.

14. In conclusion, he drew attention to a revision of operative paragraph 18 of the resolution, whereby the words "and all the recommendations of the Special Rapporteur" would be deleted.

15. Mr. TIN KYAW HLAING (Observer for Myanmar) said that his delegation was deeply troubled by the highly intrusive and one-sided nature of the draft resolution, virtually every paragraph of which was based on subjective value judgments and politically motivated allegations. He regretted the self-righteous position adopted by the sponsors of the draft resolution and asked whether anyone could confidently claim that his own society was perfect. To use a familiar expression, people who lived in glass houses should not throw stones.

16. In respect of operative paragraph 4, he said that the role of the armed forces (Tatmadaw) had been grossly misinterpreted. The armed forces had played a leading role in the struggle for independence and had a long tradition of loyally and faithfully serving the people's interests. The Tatmadaw had its own code of conduct, infringement of which was punished and its members could not break the law with impunity. Its important role in the struggle for independence made it only natural that it should take an active part in the country's political process.

17. A National Convention, at which all strata of Myanmar society were represented, was currently being held to lay the foundations for a new constitution. Even terrorists would be welcome to take part in that convention, provided they returned to the fold of legality. In commemoration of the convening of the Convention, death sentences and prison sentences were being rescinded or commuted and over 1,500 people had benefited from the amnesty announced in April 1992. The members of the Commission should note that the Government was making every effort to develop a new constitution based on democratic principles. If people were placed under restraint in Myanmar, it was not for their political activities but for breaches of the law. There were no emergency measures in Myanmar and military tribunals had been dismantled.

18. He said that the allegations concerning torture, summary executions or forced labour were based on politically motivated allegations which went beyond the bounds of credibility. As for the allegations concerning Myanmar refugees fleeing to Bangladesh, he said that, in April 1992, the Ministers for Foreign Affairs of Myanmar and Bangladesh had issued a joint statement, which had been followed by agreements concerning the repatriation of Myanmar citizens. Relations between Myanmar and Bangladesh were based on principles of peaceful coexistence which characterized Myanmar's relations with all States, and in particular with its immediate neighbours.

19. Since February 1993, over 21,000 returnees had been safely resettled in their homes, their return having been witnessed by Bangladeshi officials and representatives of the media. Thus, all the allegations about a continuous exodus of Myanmar refugees were simply untrue.

20. His delegation regretted that certain Powers had abandoned their intellectual honesty and tradition of fairness in order to achieve a political objective. It was deeply disappointed by the tone and content of the Special Rapporteur's report (E/CN.4/1993/37) and hoped that, in the future, the principles of objectivity, impartiality and balance would be scrupulously observed.

21. Mr. PÉREZ NOVOA (Cuba) said that his delegation would join the consensus on the draft resolution although it had serious reservations concerning the third and twelfth preambular paragraphs and operative paragraphs 4 and 5 that, in its view, went beyond the mandate of the Commission, which should in no circumstances interfere in a country's domestic electoral process or in the drafting of its constitution, unless so requested by the Government.

22. Mr. PACE (Secretary of the Commission) said that the financial implications of operative paragraph 16 of the resolution, which would extend the mandate of the Special Rapporteur for one year, would be US$ 146,200 in 1993 and US$ 5,600 in 1994. An additional US$ 25,000 would be required to cover the cost of two interpreters to accompany the Special Rapporteur.

23. The draft resolution (E/CN.4/1993/L.101) was adopted without a vote.

24. Mr. MARUYAMA (Japan) said his delegation was committed to the goal of achieving both democracy and respect for human rights in Myanmar. It had therefore participated in the adoption without a vote of resolution E/CN.4/1993/L.101, which was a clear expression of the international community's concern about the situation in that country.

25. While there had been a number of encouraging developments since April 1991, his Government earnestly hoped that the Government of Myanmar would respond to international wishes by taking further concrete steps to improve the situation and to move steadily towards the final goal upon which all were agreed. He strongly urged the Government of Myanmar to respond to the resolution and to extend further cooperation to the Special Rapporteur.

Draft resolution on the situation of human rights in Iraq (E/CN.4/1993/L.103)

26. Mr. LARSEN (Observer for Denmark), introducing the draft resolution on behalf of its sponsors, which included the members of the European Community and had been joined by the observer for Turkey, said that it was based on previous resolutions concerning the same country situation.

27. By resolution 1991/74, the Commission had decided to appoint a Special Rapporteur to make a thorough study of human rights violations in Iraq. The Special Rapporteur had visited that country in early 1992 and prepared a report for submission to the Commission at its forty-eighth session.

28. The Commission had before it the new report of the Special Rapporteur (E/CN.4/1993/45). As opposed to the situation the previous year, the Government of Iraq had not allowed the Special Rapporteur to visit the country. However, it had extended formal cooperation to him, in particular by giving full replies to his inquiries in order to enable him to formulate the appropriate recommendations to improve the human rights situation in that country.

29. The report indicated, as before, flagrant violations of human rights in Iraq, including summary and arbitrary execution, torture and other cruel, inhuman or degrading treatment, enforced or involuntary disappearances, arbitrary arrest and detention, lack of due process of law and of freedom of

thought, expression and association, together with specific discrimination in terms of access to food and health care. The Government of Iraq must bear sole responsibility for those violations.

30. The report stated specifically that the Kurds in the northern part of Iraq and the Shiah communities in the southern marsh area were subject to repressive and discriminatory policies and practices.

31. In view of the exceptional gravity of the human rights situation in Iraq, the Special Rapporteur recommended that a team of human rights monitors should be sent to such locations as would facilitate improved information flow and assessment of the situation.

32. The draft resolution therefore provided for an extension of the mandate of the Special Rapporteur and the adoption of his proposal for a team of human rights monitors.

33. By adopting the resolution without a vote, the Commission would send a firm signal to the Iraqi Government that it must respect the human rights and fundamental freedoms of its population and cooperate with the Special Rapporteur in order to secure the protection of those rights.

34. Mr. AL-DOURI (Observer for Iraq) said that the draft resolution referred to the report prepared by the Special Rapporteur who came from a West European country whose position concerning Iraq was well-known. The report and the draft resolution were aimed at implementing a political plan which had been prepared by European countries with a view to executing a colonialist conspiracy designed to divide Iraq into small provinces based on religion.

35. The draft resolution contained information which had been taken from the Special Rapporteur's report and which was erroneous. The validity of that information should therefore be verified on the basis of impartial sources familiar with the human rights situation in Iraq.

36. The second part of the operative section of the draft resolution gave the impression that the Iraqi people were divided between those who had been executed and those who were in detention. As was known, Iraq was open to all and that erroneous information was simply a way of camouflaging the crime being perpetrated by the West against his country through a blockade imposed on the entire people, therefore infringing on their right to life and dignity.

37. With regard to the issue of Kuwaiti and foreign detainees, his Government had clearly stated that there were no longer any Kuwaiti detainees in the country and it had, in that regard, fully cooperated with the International Committee of the Red Cross and the League of Arab States.

38. As for other citizens and nationals, his delegation believed that such persons were being held in Iraq because they had entered the country illegally, and that their countries were aware of their status.

39. With regard to the Kurds in northern Iraq, his delegation would like to know how the report of the Special Rapporteur could claim that his Government was implementing a policy of oppression against them when that area had been under the sovereignty of the allied countries for two years.

40. With respect to the allegation of repression and oppression of the southern Shiah, the fact was that such statements were totally false. Serious events had occurred following the Gulf war as part of an international plan concocted against Iraq but they had fortunately had no adverse consequences.

41. The information contained in operative paragraph 9 was totally false. His Government was ensuring the welfare of his people to a greater extent than the aggressors who were imposing the blockade.

42. Referring to operative paragraph 11, the proposal to send human rights monitors to his country was merely the continuation of attempts by the allies, including France, the United States and the United Kingdom, to interfere in his country's internal affairs.

43. The adoption of the draft resolution would represent a precedent with regard not only to Iraq but to all third world countries. His delegation therefore cautioned friendly and brotherly countries of the third world, members of the Non-Aligned Movement and other countries against falling into that trap, which would constitute a threat to the independence and sovereignty of all those countries.

44. He wished to make it clear that his country was not experiencing a civil war and would therefore reject the implementation of the procedure proposed if the draft resolution was adopted. However, his Government was in favour of close cooperation with the Commission and of maintaining friendly relations with other countries. In conclusion, he urged delegations to reject the draft resolution.

45. Mr. PACE (Secretary of the Commission) said that the financial implications of the activities required by the draft resolution would amount to $808,800 for 1993 and $214,000 for 1994. In addition, a further $54,000 would be required to cover the costs for an interpreter to accompany the Special Rapporteur.

46. Mr. GUBARTALLA (Sudan), suported by Mr. EL FAKIH SALEH (Libyan Arab Jamahiriya), said that, in view of the special nature of operative paragraph 11, his delegation requested a separate roll-call vote on that paragraph and on the resolution as a whole.

Operative paragraph 11 of the draft resolution

47. Venezuela, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Czech Republic, Finland, France, Gabon, Gambia, Germany, Japan, Mauritius, Mexico, Netherlands, Peru, Poland,

Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Libyan Arab Jamahiriya, Mauritania, Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Malaysia, Nigeria, Pakistan, Sri Lanka, Syrian Arab Republic, Tunisia.

48. Operative paragraph 11 of draft resolution E/CN.4/1993/L.103 was adopted by 32 votes to 3, with 16 abstentions.

Draft resolution E/CN.4/1993/L.103 as a whole

49. The vote was taken by roll-call.

50. Sudan, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Australia, Austria, Barbados, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Cyprus, Czech Republic, Finland, France, Gabon, Gambia, Germany, Iran (Islamic Republic of), Japan, Kenya, Mauritius, Mexico, Netherlands, Peru, Poland, Portugal, Republic of Korea, Romania, Russian Federation, Syrian Arab Republic, United Kingdom of Great Britain and Northern Ireland, United States of America, Uruguay, Venezuela, Zambia.

Against: Sudan.

Abstaining: Bangladesh, Burundi, China, Cuba, Guinea-Bissau, India, Indonesia, Lesotho, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Tunisia.

51. Draft resolution E/CN.4/1993/L.103, as a whole, was adopted by 36 votes to 1, with 15 abstentions.

52. Mr. CHANDRA (India) said that, in efforts to ensure the promotion and protection of human rights and fundamental freedoms, the responsibility for the application of the appropriate standards devolved mainly on the State concerned. Therefore, while the resolution contained many important components, his delegation had been constrained to abstain in the vote as it could not approve the idea of sending human rights monitors without the consent of the State concerned.

53. Mr. MASRI (Syrian Arab Republic) said that, in voting for the draft resolution, his delegation nevertheless regretted that it dealt with human rights questions in a sectarian manner, a fact which might negatively affect the territorial integrity of Iraq. The establishment of a monitoring system

involving the sending of human rights monitors might constitute interference in the internal affairs of a Member State and set a precedent that was not in keeping with the objectives of the Charter.

Draft resolution on the situation of human rights in China (E/CN.4/1993/L.104**)

54. Mr. LARSEN (Denmark), introducing the draft resolution on behalf of the members of the European Community and other sponsors, to which the delegations of Costa Rica and Japan had been added, said that its main purpose was to express serious concern regarding the human rights situation in China, as described in a number of reports placed before the Commission. Fundamental freedoms were severely restricted, including freedom of expression, religion, assembly, association, as well as the right to a fair trial. The administration of justice in China did not meet international standards in certain important respects. People were detained without trial for long periods, the death penalty was arbitrarily applied, and there was no independent judiciary. Although the recent decision of the Chinese Government to release some well-known dissidents was welcome, a large number of people still remained in prisons or labour camps for purely political reasons.

55. The restrictions on the practice of religion in China were worrying. In some areas with important minority populations, the Government controlled the practice of Buddhism while, in others, where the population was predominantly Muslim, there continued to be restrictions on the building of mosques and the religious education of children. Also, many Christians were being denied their right to practise their religion freely.

56. It was an urgent and legitimate duty of the world community and the Commission on Human Rights to deal with human rights violations whenever and wherever they occurred. Human rights were universal, irrespective of historical and cultural traditions, and State sovereignty should not be used as a shield for any country to violate them.

57. The credibility of the Commission was based on the willingness of its members to take up all situations, in large as well as in small countries, and to deal with them objectively. Nothing else but concern for human rights should influence its decisions. Failure by the Commission to pursue that approach would lead to a very unhappy situation for its members and for people all over the world striving to promote and protect human rights. Since the report clearly pointed to serious violations of human rights in China, there was no reason why action should not be taken in respect of that particular country. He therefore urged all members of the Commission to vote in favour of the draft resolution.

58. Mr. JIN Yongjian (China) moved that, in accordance with rule 65, paragraph 2, of the rules of procedure of the functional commissions of the Economic and Social Council, no decision be taken on the draft resolution, which was a typical manifestation of the politicization of the Commission on Human Rights and of interference in the internal affairs of States. Conditions had never been so good in China, and consequently there was no

excuse for the Western countries to accuse his Government of human rights violations in an attempt to force it to move away from the path chosen by its people.

59. The draft resolution was based entirely on so-called reports. In that connection, it should be borne in mind that all the major mass media in the world were in the hands of the West, with the result that the information that they supplied was prejudiced. The draft resolution could not therefore be seen as serious. Almost all the sponsors were Western countries, giving the false impression that only Western countries cared about human rights. China consistently supported the interests of the developing countries in the international arena, siding with the poor against the rich.

60. In defence of State sovereignty, his delegation rejected the draft resolution and appealed to all justice-loving members of the Commission to support his motion that no action be taken on it.

61. Mr. HUSSAIN (Pakistan) said that it was well known that, in recent years, China had speeded up its reforms and had had some remarkable achievements acknowledged by the whole world. Today, while some parts of the world were experiencing bloodshed, war and disorder, China was enjoying social, political and economic stability and was making progress in various areas. What was equally important was that China had been cooperating fully with the United Nations in the field of human rights. It had made serious investigations, provided detailed replies to the communications transmitted by various thematic rapporteurs and working groups, had received many foreign delegations and maintained a dialogue with a number of countries on the question of human rights. China was not, of course, a perfect country, but neither was any other. Since it had a population of over 1.1 billion, the task facing the Chinese Government was tremendous and should be understood in that light.

62. The Chinese Government's efforts and achievements and its cooperative attitude certainly deserved encouragement rather than pressure. A draft resolution like the one before the Commission would serve no purpose and could only be counterproductive. His delegation therefore seconded the Chinese representative's motion that no action be taken on it.

63. As far as the position of Muslims in China was concerned, Pakistan's experience showed that China was a reliable friend of the Muslim world and of the developing countries and that it had always stood by oppressed peoples, whether Muslims or non-Muslims.

64. Mr. LEMINE (Mauritania), speaking in explanation of vote before the vote, said that for over a decade China had been making major reforms and had recorded substantial achievements. Violence was to be found almost everywhere, but China was stable and was making progress in the economic, cultural and political fields. It should be encouraged to continue those efforts for the benefit of its people.

65. Furthermore, the Chinese Government had always cooperated with the United Nations in human rights matters and had indicated its willingness to continue to do so. In particular, it had always replied to communications

transmitted by working groups and thematic rapporteurs. Accordingly, the Commission should send a positive message. The draft resolution before it could have no constructive effect on the situation, and his delegation therefore supported the motion that no decision be taken on it.

66. Mr. PÉREZ NOVOA (Cuba) said his delegation also supported the motion that no decision be taken on the draft resolution, which was a totally unacceptable instrument in the campaign of propaganda against China.

67. Ms. ATTAH (Nigeria) said that efforts were made every year in the Commission to bring China to book. New reasons for doing so were constantly being found. On the current occasion, one of the reasons given was religion. However, it was doubtful whether China was the only country that did not allow the building of mosques.

68. China was a great country which was making immense efforts to modernize its political, economic and social system. It was trying hard to improve its human rights posture. It should therefore be encouraged rather than persecuted. Her delegation was therefore in favour of taking no action on the draft resolution and of giving China time to see whether its reforms would come to fruition.

69. Mr. KHAN MAJLISH (Bangladesh) said his delegation supported the Chinese representative's motion that no action be taken on the draft resolution, which was not justified by the current human rights situation in China.

70. Mr. MORLAND (United Kingdom) urged all members of the Commission who wanted to preserve its credibility to vote against the motion that no action be taken, since they would then be free to express their views on the substance of the draft resolution. One of the main criticisms directed against the Commission was that it was selective in its actions, that it picked on weaker countries, often countries with severe internal difficulties, and did not dare direct itself to powerful countries, whatever their human rights record. The draft resolution before the Commission gave the lie to those criticisms.

71. China was a country of great power and importance, enjoying unprecedented economic success. Anybody who had read the reports submitted by the thematic rapporteurs would find clear, incontrovertible evidence of a disregard to human rights in a number of areas. The text before the Commission was drafted in moderate terms. He therefore urged all members to allow it to be properly considered.

72. Mr. MASRI (Syrian Arab Republic) said that China was a large country with an ancient civilization and was capable of recording great economic and human rights achievements which should be appreciated by the Commission. The draft resolution would serve no constructive purpose, and his delegation therefore supported the motion that no action be taken on it.

73. Mr. NASSERI (Islamic Republic of Iran) said that the draft resolution, inspired mainly by the United States of America, could, like previous texts on

the same subject, be termed a "stealth" draft resolution because the wording camouflaged the political motives behind it. His delegation would therefore vote in favour of the motion that no decision be taken on it.

74. Mr. FLINTERMAN (Netherlands) said that he agreed with the representative of the United Kingdom that the Commission should be given an opportunity to vote on the merits of the draft resolution. His delegation would therefore vote against the motion that no decision be taken.

75. Mr. SCHIFTER (United States of America) said that the motion to take no decision was highly inappropriate. The aim of the draft resolution was to send a message to China and the Chinese people expressing the Commission's concern about current human rights violations, particularly the imprisonment of persons for non-violent political activities and unauthorized practice of religion

76. The suggestion that his country was seeking to restrain China's development did not bear close examination. China's exports to the United States amounted to around $30 billion, while it also enjoyed a highly favourable trade balance. His delegation admired China's economic reforms, but they could not excuse the repression of freedom, the incarceration of advocates of free speech, or the arrest of persons for practising their religion. His delegation would therefore vote against the motion.

77. Ms. PARK (Canada) said that motions of the kind proposed by the representative of China were not an appropriate way of dealing with country situations. Her delegation believed that such situations should be dealt with on their merits and that it was inconsistent with the purpose and role of the Commission to deny it the opportunity of addressing them through a resolution. The human rights situation in China warranted action under resolution E/CN.4/1993/L.104 and her delegation would therefore vote against the motion so that a vote could be taken on the substance of that resolution.

78. Mr. LOCHTCHININE (Russian Federation) said that his country was opposed to violations of human rights anywhere in the world, regardless of its bilateral relations with the country involved. The international community was entitled to express its concern regarding violations of human rights in China without that being regarded as interference in that country's internal affairs.

79. His delegation took account of the positive changes in the human rights situation in China and of the willingness of the Chinese Government to engage in constructive discussions. It was following with sympathy China's economic and social reforms and hoped that the improvement in the human rights situation would continue. It was, however, concerned about reports of human rights violations in China.

80. Human rights policy must be free from political or ideological sympathies or antipathies and from double standards. A frank discussion on human rights, whether at the multilateral or at the bilateral level, would help States to improve their human rights performance and should not harm relations between

States and peoples. If a vote was taken on the draft resolution, itself, however, his delegation would not participate, since it did not agree with all the provisions of the text.

81. Mr. HITAM (Malaysia) said that his delegation supported the motion because draft resolution E/CN.4/1993/L.104 was a highly political text reflecting the tendency of certain countries to adopt a selective approach to human rights issues. His delegation welcomed the economic and social reform programmes introduced by China and felt that the Commission should encourage the efforts being undertaken. It believed that progress in the field of human rights would continue as China's economic and social reforms took effect and that the international community should provide encouragement for that process rather than adopt a negative stance. His delegation would therefore vote in favour of the motion.

82. Mr. GUBARTALLA (Sudan) said that his delegation intended to vote in favour of the motion in order to take a principled stand showing its appreciation of the genuine efforts that had been made to improve the human rights situation in China. In any case, the draft resolution contained many elements not directly related to human rights issues and would defeat its own purpose.

83. Mrs. GOMES (Portugal) said that her delegation would vote against the motion because it believed that the Commission should take action wherever human rights violations were committed. If such violations existed in China, then the Commission should be able to take a clear stand on the issue.

84. At the request of the representative of China, a vote was taken by roll-call on the motion that no decision be taken on draft resolution E/CN.4/1993/L.104.

85. Costa Rica, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Bangladesh, Burundi, China, Cuba, Cyprus, Gabon, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Libyan Arab Jamahiriya, Malaysia, Mauritania, Nigeria, Pakistan, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Zambia.

Against: Australia, Austria, Bulgaria, Canada, Costa Rica, Czech Republic, Finland, France, Germany, Japan, Netherlands, Poland, Portugal, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining: Argentina, Barbados, Brazil, Chile, Colombia, Gambia, Lesotho, Mexico, Peru, Republic of Korea, Uruguay, Venezuela.

86. The motion that no decision be taken on draft resolution E/CN.4/1993/L.104 was adopted by 22 votes to 17, with 12 abstentions.

87. Mr. DEMBINSKI (Poland) said that his delegation had voted against the motion because it believed that, wherever human rights were in jeopardy, the situation should be discussed by the Commission. Nevertheless, his delegation noted the positive developments taking place in China, including the release of political prisoners, and hoped that the trend would continue in future.

88. Mr. JIN Yongjian (China) said that his delegation sincerely thanked all those who had voted in favour of the motion, which represented a victory for justice over an attempt to politicize human rights and interfere in the internal affairs of a sovereign State. His delegation was ready to cooperate with the international community in the promotion and protection of human rights in China under the guidance of the principles and purposes of the United Nations Charter. It was opposed, however, to power politics and all attempts to impose hegemony in the human rights field.

The public meeting rose at 5.35 p.m.

255

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COMMISSION ON HUMAN RIGHTS

Forty-ninth session

SUMMARY RECORD OF THE 67th MEETING
(FIRST PART)*

Held at the Palais des Nations, Geneva,
on Wednesday, 10 March 1993, at 7 p.m.

Chairman: Mr. FLINTERMAN (Netherlands)

CONTENTS

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories, including:

* The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.67/Add.1.

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Any corrections to the records of the public meetings of the Commission at this session will be consolidated in a single corrigendum, to be issued shortly after the end of the session.

GE.93-12247 (E)

CONTENTS (continued)

(b) Study of situations which appear to reveal a consistent pattern of gross violations of human rights as provided in Commission resolution 8 (XXIII) and Economic and Social Council resolutions 1235 (XLII) and 1503 (XLVIII): report of the Working Group on situations established by Economic and Social Council resolution 1990/41 of 25 May 1990 (continued)

Draft resolutions and decisions relating to agenda items 12, 24, 26, 21, 13 and 14 (continued)

The meeting was called to order at 7.20 p.m.

QUESTION OF THE VIOLATION OF HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS IN ANY PART OF THE WORLD, WITH PARTICULAR REFERENCE TO COLONIAL AND OTHER DEPENDENT COUNTRIES AND TERRITORIES, INCLUDING:

(b) STUDY OF SITUATIONS WHICH APPEAR TO REVEAL A CONSISTENT PATTERN OF GROSS VIOLATIONS OF HUMAN RIGHTS AS PROVIDED IN COMMISSION RESOLUTION 8 (XXIII) AND ECONOMIC AND SOCIAL COUNCIL RESOLUTIONS 1235 (XLII) AND 1503 (XLVIII): REPORT OF THE WORKING GROUP ON SITUATIONS ESTABLISHED BY ECONOMIC AND SOCIAL COUNCIL RESOLUTION 1990/41 OF 25 MAY 1990 (agenda item 12) (continued)

1. The CHAIRMAN announced that the Commission had completed its consideration of agenda item 12 (b). In accordance with Economic and Social Council resolution 1503 (XLVIII), it had considered the human rights situation in Bahrain, Chad, Kenya, Rwanda, Somalia, the Sudan and Zaire. In conformity with paragraph 8 of Council resolution 1503 (XLVIII), members should not make any reference in public debate to the confidential decisions taken under that resolution, nor to any confidential material relating thereto. Nevertheless, as it was the Commission's practice to make known the names of countries whose situation had been considered under the confidential procedure, it seemed appropriate to announce that the Commission had completed consideration of the situation of human rights in Bahrain and Kenya.

2. In addition, having established a public procedure concerning the human rights situations in the Sudan and Zaire, it had decided to discontinue consideration of those two situations under the confidential procedure governed by Economic and Social Council resolution 1503 (XLVIII).

DRAFT RESOLUTIONS AND DECISIONS RELATING TO AGENDA ITEMS 12, 24, 26, 21, 13 AND 14 (continued)

Question of the violation of human rights and fundamental freedoms in any part of the world, with particular reference to colonial and other dependent countries and territories (agenda item 12) (continued) (E/CN.4/1993/L.108, L.51/Rev.1, E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section A, draft resolution III, chapter I, section B, draft decision 2)

Draft resolution E/CN.4/1993/L.108

3. Mr. KLEMM (Germany) introduced the draft resolution on the situation of human rights in Togo on behalf of the sponsors, which had been joined by the delegations of Austria, Canada, Czech Republic, Netherlands, Poland and United States of America, and the observer delegations of Belgium, Denmark, Ireland, Italy, Luxembourg, Spain and Switzerland.

4. He said that a number of amendments should be made to the text, the contents of which had been communicated to the Togolese authorities.

5. A new paragraph should be inserted between the seventh and eighth preambular paragraphs, to read:

"Noting with interest the declaration on the situation in Togo of the fifty-seventh session of the Council of Ministers of the Organization of African Unity (Addis Ababa, 15-19 February 1993) and the conciliation efforts among the Togolese parties undertaken at the meeting of Colmar (8 February 1993) under the auspices of the French and German Governments."

6. Paragraph 3 should read:

"Calls upon the authorities in Togo to take all necessary measures to create favourable conditions for the return of Togolese who fled to neighbouring countries in safety and dignity and to guarantee the security of all Togolese, including that of political opponents;"

7. Paragraph 4 should be deleted, and replaced by the following text:

"4. Encourages the efforts undertaken at the regional and international levels to facilitate the resumption of the democratization process in a climate of security and of respect for human rights;"

8. Paragraph 5 (a) should read:

"(a) To bring this resolution to the attention of the Togolese authorities and to ask them to express themselves as soon as possible on the follow-up they will give to the present resolution".

9. Draft resolution E/CN.4/1993/L.108, as amended, was adopted without a vote.

10. Mr. ELKARIB (Sudan) stated, for the record, that his delegation had not wished to stand in the way of a consensus on the resolution, despite its strong conviction, as a matter of principle, that it was not for the Commission to come to a decision concerning an absent member which was thereby unable to defend itself.

Draft resolution E/CN.4/1993/L.51/Rev.1

11. Mr. TOURE (Guinea-Bissau) introduced, on behalf of the sponsors, the draft resolution on human rights violations on Bougainville.

12. He said that the first part of operative paragraph 1 should be amended to read as follows:

"1. Urges the Government of Papua New Guinea to permit international fact-finding missions access to Papua New Guinea particularly including Bougainville ..."

13. Draft resolution E/CN.4/1993/L.51/Rev.1, as amended, was adopted without a vote.

14. Mr. WOOLCOTT (Australia) stated for the record that his Government was most concerned about allegations of human rights abuses involving all parties in the Bougainville dispute. It had raised specific allegations with the Government of Papua New Guinea and also made clear its abhorrence of the abuses committed by the Bougainville Revolutionary Army (BRA), which bore a heavy responsibility. The Australian Government regretted that the Commission had chosen to adopt an approach which was informed only by the views of one of the parties to the dispute. The question also arose about the extent to which the action called for in the resolution was consistent with the mandate of the Commission on Human Rights.

15. Australia's acceptance of the text should not be taken to imply any change in its policy, which recognized the Government of Papua New Guinea as the constitutional authority in North Solomons Province. His delegation understood that to be the position of all the Governments represented in the Commission.

16. Mr. MIYET (France) said that the spirit of cooperation demonstrated by the sponsors during the preparation of the resolution had enabled his delegation to join in the consensus. France nevertheless shared the Australian view that the text contained elements of a political nature that were out of place in a resolution on human rights.

17. Mr. CHANDRA (India) said that his delegation had not wished to stand in the way of a consensus on the resolution. In the event of a vote, however, it would have abstained, believing that insufficient account was taken in the provision related to fact-finding missions of the very important aspect of consent on the part of the Government concerned.

18. Mr. MASRI (Syrian Arab Republic) endorsed the reservation made by the previous speaker.

Draft resolution III referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

19. Mr. PETERS (Netherlands) informed the Commission that consultations among the interested parties with regard to the draft resolution on forced evictions had resulted in three amendments to the text contained in the Sub-Commission's report.

20. He said that the last part of the seventh preambular paragraph, beginning with the words "including ..." should be deleted. The adjective "gross" should be deleted from operative paragraph 1. The reference in operative paragraph 7 to agenda item 12 should be replaced by a reference to agenda item 7, which concerned the realization of economic, social and cultural rights.

21. In reply to a question by Mr. MASRI (Syrian Arab Republic), he said that the proposal for the deletion of the word "gross" in operative paragraph 1 had emanated from the consultations he had referred to as part of the arrangements

intended to facilitate adoption of the decision without a vote. If, however, the deletion did not meet with general approval, the proposal would be withdrawn.

22. Draft resolution III, as amended, was adopted without a vote.

Draft decision 2 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

23. Draft decision 2 was adopted without discussion and without a vote.

24. Mr. WOOLCOTT (Australia) said that his delegation had not wished to oppose the adoption of the decision without a vote. The Government of Australia wished, however, to place on record its concerns with regard to the appropriateness and use of the resources involved in the decision. Like all the other States members of the Pacific Forum, Australia recognized the Government of Papua New Guinea as the constitutional authority on Bougainville. The arrangements referred to in the decision were arrangements between that Government and certain Bougainvillians. At no point were the latter recognized as representatives of the indigenous people of Bougainville.

25. The CHAIRMAN said that the draft resolution on the situation in East Timor (E/CN.4/1993/L.81/Rev.1) would be taken up at the next meeting of the Commission. With that exception, the Commission had completed its consideration of item 12.

26. Mr. WAGENSEIL (United States of America) explained his delegation's position on certain resolutions adopted under item 12, namely those related to the situation of human rights in Haiti (E/CN.4/1993/L.92) and human rights violations on Bougainville (E/CN.4/1993/L.51/Rev.1), and the decision just adopted concerning forced evictions.

27. The United States had joined in the consensus on the resolution on human rights in Haiti, sharing the deep concern expressed with regard to the interruption of democratic rule and the serious human rights violations in that country since September 1991. More particularly, it joined in welcoming the recent dispatch of an international observer mission of the United Nations and the Organization of American States to Haiti, and was hopeful that that measure, together with other efforts by the United Nations and the OAS, would improve the situation of human rights and hasten the return to democratically elected government in Haiti. His delegation noted, however, that recommendation E in the report of the Independent Expert contained language on the Haitian migrant issue that it could not endorse. Specifically, that language expressed concern for "thousands of Haitians ... being returned to their country after trying to flee ..." and urged members of the United Nations to "apply in this situation the governing human rights principles". He wished to point out that the actions taken by the United States in that regard were both humanitarian and consistent with international law and principles.

28. Concerning the resolution on human rights violations on Bougainville, he said that the United States supported the territorial integrity of

Papua New Guinea, of which Bougainville formed a part. It had long encouraged all the parties to the dispute to settle their differences peacefully and to protect the human rights of all persons in North Solomons Province. The United States delegation had found itself unable, however, fully to support the resolution because its language implied that the Government of Papua New Guinea bore sole responsibility for seeking a peaceful solution to the Bougainville problem. According to information in his delegation's possession, the Bougainville Revolutionary Army had itself thwarted previous efforts to bring about discussions among the parties to the dispute. Thus, it must bear at least equal responsibility for the absence of such talks. The United States delegation also opposed the fourth preambular paragraph because of the suggestion that the conflict was international.

29. Finally, concerning the resolution on forced evictions, he wished to place on record the understanding of the United States that the resolution was not relevant to lawful evictions for non-payment of rent. His delegation was, however, grateful to the delegation of Portugal and to the Bureau of the Commission for assisting in making the revisions which had enabled the United States to join in the consensus on the decision.

Rights of the child, including:

(a) Status of the Convention on the Rights of the Child;

(b) Report of the Special Rapporteur on the sale of children;

(c) Programme of action for the elimination of the exploitation of child labour;

(d) Programme of action for the prevention of the sale of children, child prostitution and child pornography (agenda item 24) (continued) (E/CN.4/1993/L.88, L.95, L.96, L.102, L.109, L.110, E/CN.4/1993/2-E/CN.4/Sub.2/1992/58, chapter I, section B, draft decisions 1 and 4).

Draft resolution E/CN.4/1993/L.88

30. Ms. STRÖM (Observer for Sweden) introduced the draft resolution on the implementation of the Convention on the Rights of the Child on behalf of the 42 sponsors, drawing attention to the salient points of the text.

31. Mr. PACE (Secretary of the Commission) said that Bulgaria, Cuba, Cyprus, Gabon, Kenya, Madagascar, the Republic of Korea and the Sudan had asked to join the list of sponsors of the draft resolution.

32. Draft resolution E/CN.4/1993/L.88 was adopted without a vote.

Draft resolution E/CN.4/1993/L.95

33. Ms. GALVIS (Colombia), on behalf of the sponsors, who now included Cuba, France and the Republic of Korea, introduced the draft resolution, which proposed to adopt the Programme of Action for the Elimination of the Exploitation of Child Labour submitted by the Sub-Commission's Working Group

on Contemporary Forms of Slavery. Her delegation invited all States to apply the guidelines contained in the Programme of Action as minimum standards, and hoped that the draft resolution would be adopted by consensus.

34. Draft resolution E/CN.4/1993/L.95 was adopted by consensus.

35. Mr. KLEMM (Germany), speaking in explanation of vote after the vote, said that his delegation had joined consensus on the draft resolution, thereby expressing its support for the main thrust of that resolution. However, it had reservations concerning several aspects of the Programme of Action adopted therein, and especially concerning its point 33, on the establishment of an international child welfare fund. In his delegation's view, such a fund would duplicate the activities of the United Nations Children's Fund (UNICEF).

Draft resolution E/CN.4/1993/L.96

36. Ms. RUESTA (Venezuela) drew the secretariat's attention to a typographical error in paragraph 4 of the Spanish version of the text. She went on to introduce the draft resolution on application of international standards concerning the human rights of detained juveniles. France and Peru had joined the sponsors of the draft resolution. Her delegation hoped that the text could be adopted by consensus.

37. Draft resolution E/CN.4/1993/L.96 was adopted by consensus.

Draft resolution E/CN.4/1993/L.102

38. Mr. LARSEN (Observer for Denmark) introduced draft resolution L.102 on behalf of the sponsors. Additional sponsors were Kenya, Madagascar, Mexico and Zimbabwe.

39. The phenomenon of street children affected virtually every country of the world, and street children were now reckoned to outnumber refugees and displaced persons. As initiators of the draft resolution, the 12 Member States of the European Community thus felt that a resolution of a general nature, eschewing references to any particular situation, would be a valuable contribution to raising awareness of that phenomenon. His delegation hoped that the text could be adopted by consensus.

40. Draft resolution E/CN.4/1993/L.102 was adopted by consensus.

Draft resolution E/CN.4/1993/L.109

41. Mr. CABRAL (Portugal) introduced, on behalf of the sponsors, the draft resolution on the Special Rapporteur on the sale of children, child prostitution and child pornography. The text placed special emphasis on the three areas of raising awareness (through the media, education and training), prevention (inter alia, through adoption by the business sector of a code of conduct), and cooperation.

42. In the interests of achieving consensus, his delegation wished to reflect the suggestions made by other delegations by incorporating four amendments in the text. First, in the seventh preambular paragraph, the words "which may

also often constitute an exploitation of child labour" should be added to the end of the paragraph, after the word "world,". Secondly, in paragraph 2, the words ", including those" should be deleted. Thirdly, in paragraph 11, the word "effective" should be inserted before the word "implementation". Lastly, in paragraph 22, the phrase "in the full discharge of his mandate and" should be inserted before the words "in order to ...". His delegation hoped that, thus amended, the draft resolution could command consensus.

43. Mr. PACE (Secretary of the Commission) announced that the Republic of Korea, Turkey and the United Kingdom had joined the list of sponsors.

44. Draft resolution E/CN.4/1993/L.109, as amended, was adopted by consensus.

45. Ms. FERRIOL ECHEVARRIA (Cuba), speaking in explanation of vote after the vote, said that, in a departure from its usual custom, her delegation had been unable to join the list of sponsors of the draft resolution at the current session, as the text did not fully reflect all aspects of the Special Rapporteur's report.

46. The draft resolution should have referred more directly to the violations of the human rights of millions of children, addressing the root causes of those violations. It should have called for the punishment of those engaging in such practices, and it should have dealt with the protection and promotion of the rights of the children of indigenous populations and of migrant workers. Its reluctance to enter into details contrasted with the readiness to enter into details in other texts, and bespoke double standards.

47. If the Special Rapporteur was to fulfil his mandate, he should receive all necessary assistance, including financial resources, from the Secretary-General. States should also be required to complete the questionnaires submitted to them, to enable the Special Rapporteur to have the necessary information at his disposal.

48. Mr. WOOLCOTT (Australia), speaking in explanation of vote after the vote, said that his delegation supported the draft resolution, but had been unable to join the sponsors as it had done in previous years. Paragraph 2 of the draft resolution endorsed the conclusions and recommendations of the Special Rapporteur. The Australian Government appreciated the work done by the Special Rapporteur, but had not had time to study those conclusions and recommendations fully. It was thus unable to endorse them at the current stage.

Draft resolution E/CN.4/1993/L.110

49. Mr. MIYET (France) introduced the draft resolution on the consequences of armed conflicts on children's lives, on behalf of its sponsors. The draft resolution highlighted the specific problem of anti-personnel mines, which continued to kill and injure children long after conflicts were over. The Commission had a moral duty to add its voice to those of other humanitarian organizations, particularly the International Committee of the Red Cross, the Office of the United Nations High Commissioner for Refugees and UNICEF, as well as of non-governmental organizations, by calling for an end to the use of such weapons.

50. He drew attention to some editorial amendments. In the ninth preambular paragraph and in paragraph 1, the word "souvent" was to be inserted after the word "sont" in the French version of the text. In paragraph 2 of the French version, the words "y compris la recommandation adressée à l'Assemblée Générale d'initier une étude à la lumière de l'article 45 (c) de la Convention" should be added. In the eighth preambular paragraph of the English version, the word "traumatizing" should be replaced by the word "injurious". His delegation hoped that, thus amended, the text could be adopted by consensus.

51. Mr. PACE (Secretary of the Commission) announced that Kuwait, Madagascar, Senegal, Spain and Zimbabwe had joined the list of sponsors of the draft resolution.

52. Draft resolution E/CN.4/1993/L.110, as amended, was adopted by consensus.

53. Mr. MORLAND (United Kingdom) speaking in explanation of vote after the vote, said that although his delegation had joined consensus in the vote on the draft resolution, the United Kingdom considered certain elements of the text more appropriate for consideration by bodies such as the International Committee of the Red Cross than by the Commission. It was also his delegation's understanding that the sixth preambular paragraph was to be considered in the context of the relevant provisions in the Convention on the Rights of the Child.

Draft decision 1 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

54. Draft decision 1 was adopted by consensus.

55. Mr. FATHI MASRI (Syrian Arab Republic), speaking in explanation of vote after the vote, said that in paragraph (b) of draft decision 1, States were invited to explain why they had not acceded to or ratified the slavery conventions. In the past, however, it had been customary simply to request States to accede to the conventions, rather than to require them to give reasons for their non-accession. As a question of principle, was it right to require States to explain why they had not acceded to a convention? As for the latter part of paragraph (b), it was surely for the International Labour Organisation, not for the Secretary-General, to extend such an invitation.

56. Mr. CHAKRAVARTI (India), speaking in explanation of vote after the vote, endorsed the point made by the representative of the Syrian Arab Republic. Although India had ratified the Slavery Convention, his delegation considered that the language used in line 2 of paragraph (b), requesting States to explain why they had not ratified a convention, was not in conformity with current international practice.

Draft decision 4 referred to the Commission by the Sub-Commission on Prevention of Discrimination and Protection of Minorities (E/CN.4/1993/2-E/CN.4/Sub.2/1992/58)

57. The CHAIRMAN announced that draft decision 4 had been superseded following the adoption by the Commission of draft resolution E/CN.4/1993/L.96.

The role of youth in the promotion and protection of human rights, including the question of conscientious objection to military service (agenda item 26) (continued) (E/CN.4/1993/L.107)

Draft resolution E/CN.4/1993/L.107

58. Mr. PETERS (Netherlands), introducing the draft resolution entitled "Conscientious objection to military service" on behalf of its sponsors, which had been joined by the delegations of Canada, the Russian Federation and the United States of America, said that the sponsors had received three proposals for amendments to the text, which they had decided to retain. In paragraph 2, the word "compulsory" should be added after "performing" and the word "cannot" should be replaced by "should not". A new paragraph 3 should be inserted, to read as follows: "Recognizes the fact that there exist various domestic legislations concerning conscientious objection to military service".

59. It was to be hoped that with those changes, the draft resolution could be adopted without a vote.

60. Mr. MASRI (Syrian Arab Republic), speaking in explanation of vote before the vote, said that in certain cases, for example when the armed forces of an apartheid regime were engaged in expansionist aggressive policies, there was good reason for conscientious objection, but in others, it weakened the military spirit of peoples struggling to liberate their countries from the remnants of colonialism. For that reason, had there been a vote on the draft resolution, his delegation would have abstained.

61. Draft resolution E/CN.4/1993/L.107, as orally amended, was adopted by consensus.

62. Mr. KLEMM (Germany), speaking in explanation of vote after the vote, said that in his country, conscientious objection was guaranteed under all circumstances, and his delegation therefore regretted the amendment to paragraph 2 of the draft resolution, which prevented Germany from joining the sponsors.

Advisory services in the field of human rights (agenda item 21) (continued) (E/CN.4/1993/L.84, L.86, L.99 and L.119)

Draft resolution E/CN.4/1993/L.84

63. Mr. KLEMM (Germany), introducing the draft resolution on behalf of its sponsors, which had been joined by the delegation of Finland and the observer for Switzerland, said that it was directed towards assisting the democratization process already begun by the Government of Georgia and further developing the legal and institutional measures so as to put an end to

situations conducive to human rights violations and their underlying cause, ethnic strife. It was to be hoped that the draft resolution could be adopted by consensus.

64. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraph 7 of the draft resolution, said that US$ 129,200 would be needed to cover the expenses incurred by missions to Georgia and professional and general service support.

65. Draft resolution E/CN.4/1993/L.84 was adopted by consensus.

66. Mr. WEISSBRODT (United States of America) speaking in explanation of vote, said that although his delegation had not blocked the consensus on that draft resolution, it was very concerned at the substantial financial implications and would not endorse the authorization of such expenditures when it was not clearly established that they were to come from existing United Nations resources.

Draft resolution E/CN.4/1993/L.86

67. Mr. WEISSBRODT (United States of America), introducing the draft resolution on behalf of its sponsors, which had been joined by the observer for New Zealand, said that its purpose was to encourage the development of a programme of advisory services to assist in the elaboration of a democratic constitution and, eventually, the holding of elections in Somalia. Those matters were, of course, principally the right and responsibility of the Somali people, as recognized in the preambular paragraphs; none the less, given the particular circumstances in Somalia, in which there was a lack of governmental authority, the international community should provide assistance to permit a return to respect for human rights.

68. His delegation sought to accommodate the concerns expressed by a number of delegations by deleting the words "to the Security Council" and "peace-keeping" in paragraph 3. With that change, it was to be hoped that the draft resolution could be adopted by consensus.

69. Mr. MASRI (Syrian Arab Republic), speaking in explanation of vote before the vote, said that it was not the role of an independent expert to assist a country in establishing a democratic constitution, as suggested in paragraph 1; that was a task for the constituent assembly of the country itself.

70. Mr. ALFONSO MARTINEZ (Cuba) said that his delegation was still concerned about paragraphs 1 and 3. With regard to paragraph 1, his delegation shared the view of the Syrian Arab Republic: the drafting of a constitution and the holding of elections in a country were incumbent upon a constituent assembly and the legislature of that country. As that was not possible in Somalia, his delegation would have preferred deleting, at the end of that paragraph, the words "including a democratic constitution, as well as the eventual holding of periodic and genuine elections by universal suffrage and secret ballot". For the sake of consensus, however, Cuba would not request a separate vote on that paragraph or propose separate versions. But it was the understanding of his delegation that any conclusions drawn by the advisory services would be on the

basis of the work of the constituent body mandated to draft a constitution in Somalia and to adopt election legislation. Cuba interpreted paragraph 1 in the light of preambular paragraph 6; it was up to the Somali people to establish those institutions once normality returned.

71. Concerning paragraph 3, he thanked the United States of America for accommodating the concerns expressed by many delegations. In Cuba's view, the Commission could only make recommendations to its parent body, the Economic and Social Council, which could then decide, if it so desired, to make recommendations to its peer bodies, the General Assembly or the Security Council; it could not make recommendations to bodies to which it was not directly subordinate.

72. If the draft resolution was adopted without a vote, Cuba would join the consensus.

73. Mr. JALLOW (Gambia) said that the purpose of the draft resolution was to help Somalia return to normalcy and to encourage participation by all factions of the population in the democratic process. The goal of paragraph 1 was simply to provide advisory services, including on the drafting of a democratic constitution; it did not aim to take that decision out of the hands of the Somali people.

74. Mr. ELKARIB (Sudan) said that in the view of his delegation, the draft resolution under consideration should have been examined under agenda item 12; paragraph 1 of the draft resolution went beyond the scope of agenda item 21. Furthermore, his delegation agreed with Cuba that paragraph 1 should have ended with the words "rule of law".

75. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraph 1 of the draft resolution, said that costs for 1993 were estimated at US$ 316,000, including $34,000 for interpretation, and US$ 5,700 for 1994.

76. Draft resolution E/CN.4/1993/L.86, as orally amended, was adopted by consensus.

Draft resolution E/CN.4/1993/L.99

77. Mr. FLÜGGER (Germany), introducing, on behalf of its sponsors, which had been joined by the observers for Ireland, Madagascar and New Zealand, the draft resolution on advisory services and the Voluntary Fund for Technical Cooperation in the Field of Human Rights, drew attention to its salient points and hoped that it could be adopted without a vote.

78. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraphs 6, 7 and 8, said that the costs of carrying out the requests contained therein were estimated at US$ 596,900 which covered the organization of national training courses, the advisory services of experts, fellowships and general temporary assistance.

79. Draft resolution E/CN.4/1993/SR.99 was adopted by consensus.

Draft resolution E/CN.4/1992/L.119

80. Mr. HELLER (Mexico), introducing the draft resolution on assistance to Guatemala in the field of human rights on behalf of the sponsors, which had been joined by the delegation of Barbados, touched on the salient points contained in it and expressed the hope that it would be adopted by consensus.

81. Mr. VENTEGODT (Observer for Denmark), speaking on behalf of the European Community and its Member States, expressed the hope that the draft resolution would provide an impetus towards achieving of universal respect for the human rights and fundamental freedoms of the people of Guatemala. The Twelve welcomed the conversations between the Government of Guatemala and the Unidad Revolucionaria Nacional Guatemalteca (URNG) which had begun on 23 February 1993, and reiterated the hope that they would lead to the reactivation of the peace negotiation process.

82. The Member States of the European Community wished to place on record their belief that the issue of the human rights situation in Guatemala should have been considered under item 12 of the Commission's agenda. They considered that unless there was a significant improvement in the human rights situation in Guatemala, the Commission should examine the situation under item 12 at its next session.

83. Mr. SORMUNEN (Finland) said that the negotiations on the draft resolution had been lengthy and intensive and they sent a clear signal to the Government to improve the human rights situation. The early conclusion of peace was a prerequisite for the prevention of human rights violations. His delegation considered that the Commission should address the question at its next session.

84. Mr. DESSER (Austria) said that his delegation noted with deep concern the concurring reports of continuing human rights violations and impunity in Guatemala. The points that the perpetrators of violations, including members of the armed forces, must effectively be brought to justice and that the immediate implementation of the global peace agreement were important ones had not been adequately reflected in the draft resolution.

85. Mr. SULLIVAN (United States of America) said that while there had been considerable debate concerning the item under which the resolution on Guatemala should be considered, it was clear that everyone was working towards the same goal of a peaceful Guatemala in which human rights were fully respected; the peace negotiations which had just resumed held the key to that brighter future.

86. His delegation shared the deep concern over human rights violations expressed in the Independent Expert's report (E/CN.4/1993/10) and in the draft resolution. It applauded the constructive approach taken by both the report and the resolution to Guatemala's continuing problems and suggested that it might serve as a model as to how the Commission could use advisory services to assist Governments. It encouraged the Government to take full advantage of the resources available at the Centre for Human Rights.

87. In conclusion, his delegation urged the Guatemalan Government and the URNG to move beyond mutual mistrust and to negotiate in good faith an end to the conflict.

88. Mr. HYNES (Canada) said that although his delegation had accepted that the Commission had been unable to take a decision at the current session on the need to address the situation in Guatemala, it considered that action under agenda item 12 would have been more appropriate. It had joined the consensus because the draft resolution sent a clear message to all parties in the conflict that a move must be made towards the immediate conclusion of a peace agreement.

89. Mr. PETERS (Netherlands) said that the word "progress" in operative paragraph 7 should have been rendered as "developments".

90. Mr. PACE (Secretary of the Commission), speaking on the financial implications of paragraphs 17 and 18 of the draft resolution, said that US$ 288,200 would be required for 1993 and US$ 61,600 for 1994, to cover the expenses of field missions, travel requirements and professional support including training courses.

91. Draft resolution E/CN.4/1993/L.119 was adopted by consensus.

Measures to improve the situation and ensure the human rights and dignity of all migrant workers (agenda item 13) (continued) (E/CN.4/1993/L.100)

Draft resolution E/CN.4/1993/L.100

92. Mrs. PAZ (Mexico) introducing the draft resolution on the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families on behalf of the sponsors, which had been joined by Tunisia, touched on its salient points and expressed the hope that the draft resolution would be adopted without a vote.

93. Draft resolution E/CN.4/1993/L.100 was adopted by consensus.

94. Mr. AIZAWA (Japan) said that although his delegation had joined the consensus on the draft resolution, it had explained in detail its reservations at the time when the Convention had been adopted and wished to reiterate that its position remained unchanged.

Human rights and scientific and technological developments (agenda item 14) (continued) E/CN.4/1993/L.47/Rev.1, L.82, L.106

Draft resolution E/CN.4/1993/L.47/Rev.1

95. Mr. MBURU (Kenya) introducing the draft resolution on behalf of the sponsors, which had been joined by the observer delegations for Equatorial Guinea and Swaziland, drew attention to its main points and commended it for adoption by consensus.

96. Mr. JALLOW (Gambia) said that the dumping of toxic waste was a threat to the African continent and that the African countries appreciated the provision of adequate safeguards.

97. At the request of the representative of the United States of America, a vote was taken by roll-call on draft resolution E/CN.4/1993/L.47/Rev.1.

98. Cuba, having been drawn by lot by the Chairman, was called upon to vote first.

In favour: Angola, Argentina, Bangladesh, Barbados, Brazil, Burundi, Chile, China, Colombia, Costa Rica, Cuba, Cyprus, Gabon, Gambia, Guinea-Bissau, India, Indonesia, Iran (Islamic Republic of), Kenya, Lesotho, Libyan Arab Jamahiriya, Mauritania, Mauritius, Mexico, Nigeria, Pakistan, Peru, Sri Lanka, Sudan, Syrian Arab Republic, Tunisia, Uruguay, Venezuela, Zambia.

Against: United States of America.

Abstaining: Australia, Austria, Bulgaria, Canada, Czech Republic, Finland, France, Germany, Japan, Malaysia, Netherlands, Poland, Portugal, Republic of Korea, Romania, Russian Federation, United Kingdom of Great Britain and Northern Ireland.

99. Draft resolution E/CN.4/1993/L.47/Rev.1 was adopted by 34 votes to 1, with 17 abstentions.

100. Mr. WAGENSEIL (United States of America), speaking in explanation of vote after the vote, said that his delegation had voted against the draft resolution, since although it was a laudable environmental goal, freedom from the dumping of toxic wastes was not a collective human right; it was not an appropriate item for a human rights forum and should be discussed in an environmental forum in connection with the appropriate legal instruments, for example the Basel Convention.

101. Mr. MARANTZ (Canada) said that Canada had been one of the industrial countries which had called attention to the disposal of hazardous wastes. While his delegation would have preferred to support the resolution, it had abstained because it was not convinced that the responsibility for dumping practices should be attached to transnational corporations without evidence or to industrial countries which had demonstrated their concern by concrete actions. It would have been more constructive to have developed a resolution which could have been adopted by consensus.

102. Mr. AIZAWA (Japan) said that his delegation had abstained in the vote although it shared environmental concerns. The problem needed to be considered by bodies that were more appropriate.

103. Mr. WOOLCOTT (Australia) said that while his delegation shared the concerns of the sponsors regarding hazards to Africa and the Pacific, it had

also taken part in drafting the Basel Convention and chapter 21 of the UNCED report and considered that environmental concerns could not be advanced by the Commission on Human Rights.

Draft resolution E/CN.4/1993/L.82

104. Mr MIYET (France), introducing the draft resolution on human rights and bioethics on behalf of the sponsors, which had been joined by the observer delegation for Algeria, said that given its modest objectives, his delegation thought that it could be adopted by consensus.

105. Draft resolution E/CN.4/1993/L.82 was adopted by consensus.

Draft resolution E/CN.4/1993/L.106

106. Mr. MIYET (France), introducing the draft decision on the follow-up to the guidelines for the regulation of computerized personal data files on behalf of the delegations of Chile and France, said that the aim of the draft decision was to protect the individual and ensure that the question was included in the agenda of the fifty-first session of the Commission.

107. Mr. MALHOTRA (India) suggested that the word "including" in (b) should be deleted since "intergovernmental organizations" did not include the three categories of body which followed.

108. He considered that the question of computerized personal data files was not really a problem which prevailed in most developing countries although technological changes were indeed in progress.

109. Draft resolution E/CN.4/1993/L.106 was adopted by consensus.

The summary record of the second part of the meeting appears as document E/CN.4/1993/SR.67/Add.1